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2 IN THE UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA  
4

5 DANIEL P. KLAHN SR., ) CASE NO. 2:16-CV-00719 GMN CWH  
6 Plaintiff, )  
7 vs. ) AMENDED STIPULATED DISCOVERY  
8 ARETE RITA KOSTOPOULOS and ) PLAN AND [PROPOSED] SCHEDULING  
9 ROBERT CHANG, ) ORDER  
10 Defendants. ) SPECIAL SCHEDULING REVIEW  
11 ) REQUESTED  
12 )

13 **STIPULATED AMENDED DISCOVERY PLAN AND SCHEDULING ORDER PURSUANT**  
14 **TO FEDERAL RULE OF CIVIL PROCEDURE 26(f) AND LOCAL RULE 26-4**

15 Pursuant to Fed. R. Civ. P. 26(f) and United States District Court, District of Nevada Local  
16 Rules IA 6-1 and 26-4, the respective parties hereby submit this Amended Discovery Plan and  
17 Proposed Scheduling Order.

18 Pursuant to United States District Court, District of Nevada Local Rule 26-4, the respective  
19 parties provide the following:

20 **A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

21 To date, the parties have provided initial disclosures within 14 days of the Rule 26(f)  
22 Conference. No other discovery has been conducted.

23 **B. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**  
24 **COMPLETED**

25 The discovery that remains to be completed by Defendants Robert Chang and Arete Rita  
26 Kostopoulos (“Defendants”) includes written discovery, depositions of percipient witnesses, and  
27 expert depositions. Defendants anticipate filing discovery-related motions as necessary.  
28

1           **C. REASONS WHY THE DEADLINE WAS NOT SATISFIED OR REMAINING**  
2           **DISCOVERY WAS NOT COMPLETED WITHIN TIME LIMITS SET BY**  
3           **DISCOVERY PLAN**

4           On December 01, 2017, defendant Arete Rita Kostopoulos filed a Motion to Dismiss for Failure  
5 to Serve Process; For Insufficient Service of Process; For Failure to State a Claim; for Lack of  
6 Personal Jurisdiction; In the alternative to Dismiss or Transfer for Improper Venue or in the  
7 Alternative to Transfer for Convenience (28 USC §1404(a)). (ECF No. 14.)

8           On December 22, 2017, defendant Robert Chang also filed a Motion to Dismiss for Failure to  
9 Serve Process; For Insufficient Service of Process; For Failure to State a Claim; for Lack of  
10 Personal Jurisdiction; In the alternative to Dismiss or Transfer for Improper Venue or in the  
11 Alternative to Transfer for Convenience (28 USC §1404(a)). (ECF No. 22.)

12          On January 12, 2018, the respective parties submitted a Stipulated Discovery Plan and Proposed  
13 Scheduling Order at this court's request. (ECF No. 29.) The proposed dates were stipulated to with  
14 the belief that the court would hear and provide rulings on Defendants' Motions to Dismiss prior to  
15 the deadlines set forth in the proposed scheduling order.

16          However, to date, the court has not ruled on the pending Motions to Dismiss filed by Defendant  
17 Arete Rita Kostopoulos' or Defendant Robert Chang. As such, the respective parties respectfully  
18 request that the scheduling order be amended, as set forth below, to dates that would coincide with  
19 the yet to be determined hearing date of Defendants' Motions to Dismiss and would provide  
20 adequate time for discovery to be conducted by the respective parties in the event the motions are  
21 not granted.

22           **D. AMENDED PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**  
23           **DISCOVERY**

24               1. Discovery Limitations

25           The scope of discovery shall conform to the limitations provided under the Federal Rules of  
26 Civil Procedure and Local Rule 26-1.

27           ///

1                   2. Identification of Issues for Possible Early Resolution

2           Defendants Arete Rita Kostopoulos and Robert Chang identify their pending motions to  
3 dismiss or transfer, which would allow for early resolution of the entire action or particular causes  
4 of action, or transfer this matter to another district. Further, the resolution of these motions through  
5 transfer would require the parties to file a Discovery Plan compliant with different local rules.

6           In the event this Court dismisses all of Plaintiff's causes of action, this scheduling order shall  
7 not apply. In the event this Court dismiss some, but not all, of Plaintiff's causes of action, this  
8 scheduling order shall apply to those remaining causes of action. In the event this Court grants a  
9 venue transfer, this scheduling order shall not apply. In the event this Court denies Defendants'  
10 Motions to Dismiss or Transfer, the following dates shall apply (If any of the following deadlines  
11 fall on a weekend or court holiday, then the deadline is extended to the first court day after the  
12 deadline):

13                   3. Discovery Cut-Off

- 14                   i. The first appearance by a Defendant in this matter was on December 1, 2017.  
15                   ii. All discovery shall be completed no later than 180 days after the entry of order  
16                   on Defendants' Motion to Dismiss.

17                   4. Pending Discovery

18           No discovery has proceeded to date.

19                   5. Amending Pleadings and Adding Parties

20           The last date to file motions to amend the pleadings or add parties is no later than 90 days  
21 after the entry of order on Defendants Motion to Dismiss.

22                   6. Expert Disclosures and Rebuttals

- 23                   i. Exchange of initial disclosures of Plaintiff's and Defendants' expert(s) (if any)  
24                   shall take place on or before 120 days after the entry of order on Defendants'  
25                   Motions to Dismiss.  
26                   ii. Exchange of disclosures of all rebuttal expert(s) (if any) shall take place on or  
27                   before 90 days after the entry of order on Defendants Motion to Dismiss.

28   ///

1                   7. Dispositive Motions

- 2                   i. Dispositive motions may be filed no later than 210 days after the entry of order  
3                   on Defendants Motion to Dismiss.  
4                   ii. The party opposing any such motion shall have thirty (30) days to respond and  
5                   the moving party shall then have fifteen (15) days to reply, unless the  
6                   opposition is coupled with a cross-motion in which case the initial moving  
7                   party shall have thirty (30) days to respond.

8                   8. Joint Pretrial Order

- 9                   i. If a dispositive motion is not filed, the joint pre-trial order shall be filed no  
10                  later than 240 days after the entry of order on Defendants Motion to Dismiss,  
11                  unless the Court, upon appropriate motion and consideration of the discovery  
12                  plan, alters the time and manner of discovery.  
13                  ii. If a dispositive motion is filed, the joint pre-trial order shall be filed within 30  
14                  days after decision on the dispositive motion or further court order.  
15                  iii. Rule 26(a)(3) disclosures shall be included in the joint pre-trial order.

16                  II. MEDIATION

17                  The Parties may consider mediation once their initial discovery has been completed.

18                  III. TRIAL BY MAGISTRATE JUDGE

19                  The Parties reserve the right to consent to trial before a United States Magistrate Judge.

20                  IV. RULE 26-1 CERTIFICATIONS

21                  Counsel and Plaintiff certify that they have conferred regarding these matters, including  
22                  possibility of using alternative dispute resolution processes pursuant to Local Rule 26-1(b)(7).  
23                  Counsel and Plaintiff certify that they have considered consent to trial by a magistrate judge under  
24                  28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program pursuant to Local  
25                  Rule 26-1(b)(8). In accordance with Local Rule 26-1(b)(9), the Counsel and Plaintiff certify that  
26                  they have discussed the presentation of evidence in electronic format to a jury. The Parties have not  
27                  reached any stipulations regarding the use of electronic evidence other than those listed above.

28                  ///

1        V. RULE 26(f) CERTIFICATION

2        Counsel and Plaintiff certify that telephone conversations were held prior to the filing of this  
3 joint pleading respecting the nature of the action, the defenses asserted, and the discovery to be  
4 required.

5        Respectfully Submitted,

6  
7        Dated: March 21, 2018

PLAINTIFF,  
DANIEL P. KLAHN, SR., PRO SE

9        /s/ Daniel P. Klahn, Sr.  
10       Daniel P. Klahn, Sr., Pro Se  
11       P.O. Box 1394  
12       Searchlight, NV 89046  
13       (760) 703-6289  
14       dpklahn@yahoo.com

15  
16       Dated: March 21, 2018

**DEFENDANTS,**  
**ARETE RITA KOSTOPOULOS and**  
**ROBERT CHANG,**

By their attorneys,

18       /s/ Renee E. Jensen  
19       Renee E. Jensen, Esq., Bar No. 6001  
20       FORD, WALKER, HAGGERTY & BEHAR  
21       8215 South Eastern Avenue  
22       Suite 225  
23       Las Vegas, Nevada 89123  
24       (702) 724-2699 phone  
25       (702) 912-1352 fax  
26       [rjensen@fwhb.com](mailto:rjensen@fwhb.com)

27       I, Renee E. Jensen, attest that all other signatories listed, and on whose behalf the filing is  
28 submitted, concur in the filing's content and have authorized the filing.

/s/ Renee E. Jensen  
RENEE E. JENSEN

1 **[PROPOSED] SCHEDULING ORDER**

2 **1. Discovery Limitations**

3 The scope of discovery shall conform to the limitations provided under the Federal Rules of  
4 Civil Procedure and Local Rule 26-1.

5 **2. Identification of Issues for Possible Early Resolution**

6 Defendants Arete Rita Kostopoulos and Robert Chang identify their pending motions to  
7 dismiss or transfer, which would allow for early resolution of the entire action or particular causes  
8 of action, or transfer this matter to another district. Further, the resolution of these motions through  
9 transfer would require the parties to file a Discovery Plan compliant with different local rules.

10 In the event this court does not grant Defendants' Motions to Dismiss, the following dates  
11 shall apply (If any of the following deadlines fall on a weekend, then the deadline is extended to the  
12 first court day after the deadline):

13 **3. Discovery Cut-Off**

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15 ii. All discovery shall be completed no later than 180 days after the entry of order  
16 on Defendants Motions to Dismiss.

17 **4. Pending Discovery**

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21 after the entry of order on Defendants Motion to Dismiss.

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24 shall take place on or before 120 days after the entry of order on Defendants  
25 Motion to Dismiss.  
26 ii. Exchange of disclosures of all rebuttal expert(s) (if any) shall take place on or  
27 before 90 days after the entry of order on Defendants Motion to Dismiss.

28 **7. Dispositive Motions**

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2 on Defendants Motion to Dismiss.  
3 ii. The party opposing any such motion shall have thirty (30) days to respond and  
4 the moving party shall then have fifteen (15) days to reply, unless the  
5 opposition is coupled with a cross-motion in which case the initial moving  
6 party shall have thirty (30) days to respond.

7 8. Joint Pretrial Order

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9 later than 240 days after the entry of order on Defendants Motion to Dismiss,  
10 unless the Court, upon appropriate motion and consideration of the discovery  
11 plan, alters the time and manner of discovery.  
12 ii. If a dispositive motion is filed, the joint pre-trial order shall be filed within 30  
13 days after decision on the dispositive motion or further court order.  
14 iii. Rule 26(a)(3) disclosures shall be included in the joint pre-trial order.

15  
16 **IT IS SO ORDERED:**

17  
18 United States District Court Judge, Gloria M. Navarro

19   
20 United States Magistrate Judge, Carl W. Hoffman

21 Dated: March 22, 2018

Per the parties' stipulation, discovery  
in this case is STAYED until the Court  
rules on Defendants' pending  
motions to dismiss [14, 22].

PROOF OF SERVICE BY MAIL – F.R.Civ.P. 5)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

I am employed in Los Angeles County; I am over the age of eighteen years and not a party to the within entitled action; my business address is: One World Trade Center, Twenty-Seventh Floor, Long Beach, California 90831-2700

On March 21, 2018, I served the within: AMENDED STIPULATED DISCOVERY PLAN AND [PROPOSED] SCHEDULING ORDER

on the interested parties in said action,

by personally delivering it to the person(s) indicated below in the manner as provided in FRCivP5(b);

x by depositing it in the United States Mail at Long Beach, California, in a sealed envelope with the postage fully prepaid to the following;

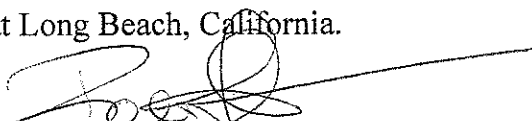
Daniel P. Klahn, Sr  
P. O. Box 1394  
Searchlight, NV 89046

X I hereby certify that I am a member of the Bar of the United States District Court, District of Nevada.

I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

X I hereby certify under the penalty of perjury that the foregoing is true and correct.

Executed on March 21, 2018, at Long Beach, California.

  
Renee Jensen